

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WEST COAST 2014-7 LLC,

Plaintiff,

-against-

AMENDED¹

MEMORANDUM & ORDER

20-CV-4187 (EK) (RML)

KENNETH SPELLER, LISA SPELLER,
CRIMINAL COURT OF THE CITY OF NEW
YORK, et al.

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Robert Levy's Report and Recommendation ("R&R") dated January 25, 2022. ECF No. 19. Judge Levy recommends that this Court (1) grant Plaintiff's motion for default judgment of foreclosure and sale in the amount of \$61,811.07, plus \$40,882.80 in accrued interest and further interest at the rate of 10.25 percent per annum to run from December 11, 2020 through the date of judgment and (2) direct Plaintiff to submit the names of three proposed referees from which the Court will appoint a referee to sell the mortgaged property at auction to the highest bidder, in

¹ This order was amended on April 15, 2022, to correct a clerical omission under Rule 60. The Court adopted Judge Levy's Report and Recommendation in full, but did not spell out the past interest award Plaintiff was due. Thus, the order is amended to reflect the full scope of the R&R that the Court adopted, including an award of accrued interest in the amount of \$ 40,882.80. The Clerk of Court is respectfully requested to issue an amended judgment.

accordance with N.Y. R.P.A.P.L. Article 13. Neither party has filed objections and the time to do so has expired.

Accordingly, the Court reviews Judge Levy's recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, I grant Plaintiff's motion for default judgment, enter a judgment of foreclosure and sale against defendants Kenneth Speller and Lisa Speller in the amount of \$61,811.07, plus \$40,882.80 in accrued interest and further interest at the rate of 10.25 percent per annum to run from December 11, 2020 through March 30, 2022 (the date judgment originally issued). Plaintiff has already submitted a list of names of three proposed referees. The Clerk of Court is respectfully directed to enter an amended judgment.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: April 15, 2022
Brooklyn, New York